IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of **Goddard et al.**	)	Examiner: Nancy Vogel
	)	
Serial No. 09/944,929	)	Group Art Unit: 1636
	)	
Filed: August 31, 2001	)	Confirmation No. 1971
	)	
Title: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**	)	Attorney's Docket No. 10466/140
	)	

DECLARATION OF AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D., J. CHRISTOPHER GRIMALDI, AUSTIN L. GURNEY, Ph.D., DANIEL TUMAS, Ph.D. AND WILLIAM I. WOOD, Ph.D. UNDER 37 CFR § 1.131

MAIL STOP AMENDMENT
The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., J. Christopher Grimaldi, Austin Gurney, Ph.D., Daniel Tumas, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.

2. At the time the present invention was made, one of the inventors, Daniel Tumas, Ph.D., was responsible for overseeing the testing of novel polypeptides, including the polypeptide PRO361, in an assay of inhibitory activity in the mixed lymphocyte relation (MLR) (Assay #67, Example 34). This assay is used to find agents that are active as inhibitors of the proliferation of stimulated T-lymphocytes. Compounds which inhibit proliferation of lymphocytes are useful therapeutically where suppression of an immune response is beneficial.

3. The basic protocol for this assay is described in Current Protocols in Immunology, unit 3.12, edited by J E Coligan, A M Kruisbeek, D H Marglies, E M Shevach, W Strober, National Institutes of Health, Published by John Wiley & Sons, Inc.

More specifically, in one assay variant, peripheral blood mononuclear cells (PBMC) are isolated from mammalian individuals, for example a human volunteer, by leukopheresis (one donor will supply stimulator PBMCs, the other donor will supply responder PBMCs). If desired, the cells are frozen in fetal bovine serum and DMSO after isolation. Frozen cells may be thawed overnight in assay media (37°C, 5% CO_2) and then washed and resuspended to $3x10^6$ cells/ml of assay media (RPMI; 10% fetal bovine serum, 1% penicillin/streptomycin, 1% glutamine, 1% HEPES, 1% non-essential amino acids, 1% pyruvate). The stimulator PBMCs are prepared by irradiating the cells (about 3000 Rads).

The assay is prepared by plating in triplicate wells a misture of:

100:1 of test sample diluted to 1% or to 0.1%,

50:1 of irradiated stimulator cells, and

50:1 of responder PBMC cells.

100 microliters of cell culture media or 100 microliter of CD4-IgG is used as the control. The wells are then incubated at 37°C, 5% CO_2 for 4 days. On day 5, each well is pulsed with tritiated thymidine (1.0 mC/well; Amersham). After 6 hours the cells are washed 3 times and then the update of the label is evaluated.

In another variant of this assay, PBMCs are isolated from the spleens of Balb/c mice and C57B6 mice. The cells are teased from freshly harvested spleens in assay media (RPMI; 10% fetal bovine serum, 1% penicillin/streptomycin, 1% glutamine, 1% HEPES, 1% non-essential amino acids, 1% pyruvate) and the PBMCs are isolated by overlaying these cells over Lympholyte M (Organon Teknika), centrifuging at 2000 rpm for 20 minutes, collecting and washing the mononuclear cell layer in assay media and resuspending the cells to $1x10^7$ cells/ml of assay media. The assay is then conducted as described above.

Any decrease below control is considered to be a positive result for an inhibitory compound, with decreases of less than or equal to 80% being preferred. However, any value less than control indicates an inhibitory effect for the test protein. The results are

value less than control indicates an inhibitory effect for the test protein. The results are indicative of the utility of the PRO polypeptides in therapeutic applications where suppression of an immune response is beneficial.

4. Copies of pages from an internal database showing the positive results for the PRO361 polypeptide (SEQ ID NO: 83), identified by Pin number PIN996-1, in Assay #67 are attached to this declaration (with dates redacted) as Exhibit A. These experiments were performed and the results were obtained in the United States prior August, 1999.

5. Exhibit A clearly shows that the polypeptide designated PRO361 was tested, and its ability to inhibit the mixed leukocyte reaction was determined prior to August, 1999.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

A. Goddard — 1/12/08

Audrey Goddard, Ph.D. — Date

Paul J. Godowski, Ph.D. — Date

J. Christopher Grimaldi — Date

Austin L. Gurney, Ph.D. — Date

Daniel Tumas, Ph.D. — Date

William I. Wood, Ph.D. — Date

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4. Copies of pages from an internal database showing the positive results for the PRO361 polypeptide (SEQ ID NO: 83), identified by Pin number PIN996-1, in Assay #67 are attached to this declaration (with dates redacted) as Exhibit A. These experiments were performed and the results were obtained in the United States prior August, 1999.

5. Exhibit A clearly shows that the polypeptide designated PRO361 was tested, and its ability to inhibit the mixed leukocyte reaction was determined prior to August, 1999.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	12/19/07 Date
J. Christopher Grimaldi	Date
Austin L. Gurney, Ph.D.	Date
Daniel Tumas, Ph.D.	Date
William I. Wood, Ph.D.	Date

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5. Exhibit A clearly shows that the polypeptide designated PRO361 was tested, and its ability to inhibit the mixed leukocyte reaction was determined prior to August, 1999.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
J. Christopher Grimaldi	Date
Austin L. Gurney, Ph.D.	1/8/13 Date
Daniel Tumas, Ph.D.	Date
William I. Wood, Ph.D.	Date

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5. Exhibit A clearly shows that the polypeptide designated PRO361 was tested, and its ability to inhibit the mixed leukocyte reaction was determined prior to August, 1999.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
J. Christopher Grimaldi	Date
Austin L. Gurney, Ph.D.	Date
Daniel Tumas, Ph.D.	February 14, 2008 Date
William I. Wood, Ph.D.	Date

indicative of the utility of the PRO polypeptides in therapeutic applications where suppression of an immune response is beneficial.

4. Copies of pages from an internal database showing the positive results for the PRO361 polypeptide (SEQ ID NO: 83), identified by Pin number PIN996-1, in Assay #67 are attached to this declaration (with dates redacted) as Exhibit A. These experiments were performed and the results were obtained in the United States prior August, 1999.

5. Exhibit A clearly shows that the polypeptide designated PRO361 was tested, and its ability to inhibit the mixed leukocyte reaction was determined prior to August, 1999.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
J. Christopher Grimaldi	Date
Austin L. Gurney, Ph.D.	Date
Daniel Tumas, Ph.D.	Date
William I. Wood, Ph.D.	12/14/07 Date

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5. Exhibit A clearly shows that the polypeptide designated PRO361 was tested, and its ability to inhibit the mixed leukocyte reaction was determined prior to August, 1999.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
J. Christopher Grimaldi	3/31/06 Date
Austin L. Gurney, Ph.D.	Date
Daniel Tumas, Ph.D.	Date
William I. Wood, Ph.D.	Date

EXHIBIT A

GenenGenes Enter search terms

GenenGenes – v3

SEARCH | REQUEST SYSTEMS | ANALYSIS TOOLS | RESOURCES | Historical SPDI Record

Quick search: DNA Enter id number

Assay Viewer

SPDI Assays

ASY57 Rod Photoreceptor Cell cAMP Synergy(2 Ca
ASY58 Rat DRG Neuronal Survival Inhibition Ass
ASY59 Ventralization of Xenopus Embryo by DNA
ASY60 Benzidine Staining of Xenopus Embryo by
ASY61 Ventralization of Xenopus Embryo by RNA
ASY62 Benzidine Staining of Xenopus Embryo by
ASY63 Hematopoiesis: stem cell proliferation
ASY64 Proinflammatory/PMN Infiltrate
ASY65 HUVEC Survival in Absence of Serum
ASY66 Inhibition of Adipocyte Differentiation
ASY67 MLR - Inhibitory

Find Lots

All PIN
All DNA

Show Lots for:
LOT
Number:
2176
Include UNQ Related Lots

Lots for Search

PIN996-1

All Positives Verified Positives Pending

Date Complete From To

DNA Search

ASSAY RESULT LIST

Rows 1 - 4 of 4 Page 1 of 1 Select Page Page No. 1

ASY	ASY Name	PUR/EXP/DNA	LOT	LOT Name	Pos	Verified	Conc	Conc Unit	Mean	Cnt	UNQ	Protein Name	Date Distr	Date Complete	Comment
ASY67	MLR-Inh	PUR1292	LOT2176	PIN996-1			1.50	nM	63.2		UNQ316	Human MANSC1 IgG			
ASY67	MLR-Inh	PUR1292	LOT2176	PIN996-1			1.50	nM	77.3		UNQ316	Human MANSC1 IgG			
ASY67	MLR-Inh	PUR1292	LOT2176	PIN996-1			15.00	nM	64.7		UNQ316	Human MANSC1 IgG			
ASY67	MLR-Inh	PUR1292	LOT2176	PIN996-1			15.00	nM	99.4		UNQ316	Human MANSC1 IgG			

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GenenGenes is maintained by Bioinformatics

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

35489 7590 01/09/2007

HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

EXAMINER	
SAOUD, CHRISTINE J	
ART UNIT	PAPER NUMBER
1647	

DATE MAILED: 01/09/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/160,502	10/19/2001	Kevin P. Baker	GNE.2630P1C57	1971

TITLE OF INVENTION: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$0	$1700	04/09/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 07/06) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

35489 7590 01/09/2007

HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/160,502	10/19/2001	Kevin P. Baker	GNE.2630P1C57	1971

TITLE OF INVENTION: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$0	$1700	04/09/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
SAOUD, CHRISTINE J	1647	530-399000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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35489 7590 01/09/2007

HELLER EHRMAN LLP
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EXAMINER	
SAOUD, CHRISTINE J	
ART UNIT	PAPER NUMBER
1647	

DATE MAILED: 01/09/2007

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 311 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 311 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 07/06) Approved for use through 04/30/2007.

Notice of Allowability	Application No. 10/160,502	Applicant(s) BAKER ET AL.	
	Examiner Christine J. Saoud	Art Unit 1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *25 September 2006 reply*.

2. ☒ The allowed claim(s) is/are *63-65 and 68-70*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud

DETAILED ACTION

Response to Amendment

Claims 63-65 and 68-70 are pending in the instant application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Any objection or rejection of record which is not expressly repeated in this action has been overcome by Applicant's response and withdrawn.

Applicant's arguments filed 25 September 2006 have been received, entered into the instant application and fully considered. The Declaration filed on 25 September 2006 under 37 CFR 1.131 is sufficient to overcome the Ni et al. reference.

The data presented in the Declaration provides support for the assertion that PRO1114 (the protein of SEQ ID NO:352) decreases the response of the MLR, demonstrating immunosuppression *in vitro*.

Specification

The title of the invention is not descriptive. It is suggested that Applicant file an amendment to change the title – such as PRO 1114 polypeptides. Your cooperation is appreciated.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Applicant continues to assert and argue that the instant specification enables use of the claimed invention for suppression of the graft versus host response. This asserted use is not disclosed in the instant specification. However, based on the MLR assay, the data provided in the Declaration filed 25 September 2006, and the teaching in the art that the MLR assay is an art accepted assay for identifying immune suppressive molecules, one of ordinary skill in the art would recognize a well-established use for the claimed invention for at least *in vitro* immune suppression. Since the claims are not directed to *in vivo* methods of use, this issue need not be further addressed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine J. Saoud whose telephone number is 571-272-0891. The examiner can normally be reached on Monday-Friday, 6AM-2PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

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